

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

2-3-74-SPL

In continuation of Govt. Notification of even number dated 14th May, 1975, regarding Central Civil Services (Leave) (Fourth Amendment) Rules, 1974 published in the Official Gazette, Series I, No. 13, dated 26th June, 1975, the Government of India, Ministry of Finance, Department of Expenditure Notification No. 16(5)-E.IV(A)/74 dated 11-4-1975 and 16(8)-E.IV(A)/74 dated 26-5-1975 regarding Central Civil Services (Leave) (First and Second Amendment) Rules, 1975 respectively are published for information and guidance.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 14th July, 1975.

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

Department of Expenditure

New Delhi, the 11th April, 1975

Notification

Subject: Central Civil Services (Leave) (First Amendment) Rules, 1975.

In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to the persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Leave) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Services (First Amendment) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Leave) Rules, 1972 (hereinafter referred to as the said rules), in rule 26, in sub-rule (1),—

(i) for clause (a), the following clause shall be substituted, namely:—

«(a) A Government servant (other than a military Officer) who is serving in a Department other than a vacation Department shall be entitled to earned leave at the rate of 1/11th of the period spent on duty.»;

(ii) to clause (c), the following Note shall be added at the end, namely:—

«Note:—The provisions of this clause shall apply to Government servants whose first year of service or any part thereof in temporary capacity was rendered before 1st November, 1973 when rate of earning such leave used to be 1/22nd of period spent on duty».

3. For rule 27 of the said rules, the following rule shall be substituted, namely:—

«27. *Calculation of earned leave:*—In calculating earned leave referred to in sub-rule (1) of rule 26, the actual number of days of duty performed shall first be counted and then multiplied by 1/11th and the product expressed in days and fraction of day».

4. In clause (a) of sub-rule (1) of rule 29 of the said rules, the following proviso shall be inserted at the end, namely:—

«Provided that a Government servant who is eligible for Departmental leave under rule 49, shall be entitled to half pay leave of 20 days on completion of 12 months of actual duty».

5. In rule 30 of the said rules:—

(1) in sub-rule (1), clause (c) shall be omitted;

(2) after sub-rule (1), the following sub-rule shall be inserted, namely:—

«(1A) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority».

6. In the said rules, after rule 39, the following rule shall be inserted, namely:—

«39A. *Cash equivalent of leave salary in case of death in service.*—In case a Government ser-

vant dies while in service, the cash/equivalent to the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case, not exceeding leave salary for 120 days, shall be paid to his family subject to reduction on account of pension equivalent of death cum retirement gratuity.

Note:—In addition to the cash equivalent of leave salary admissible under this rule, the family of the deceased Government servant shall also be entitled to payment of dearness allowance only as per orders issued in this behalf separately».

7. In rule 40 of the said rule:—

(1) in sub-rule (2) for the words, letter and figures «does not exceed Rs. 300/- per mensem», the words, letter and figures «does not exceed Rs. 600/- per mensem [Rs. 300/- per mensem in the case of those who have elected to continue in the existing scale of pay under the proviso to rule 5 of the Central Civil Services (Revised Pay) Rules, 1973] shall be substituted;

(2) In sub-rule (3), the words, letters and figures «subject to a maximum of Rs. 750/- per mensem» and proviso shall be omitted.

8. In rule 49 of the said rules:—

(1) in sub-rule (6), in clause (b), for the words «The leave salary is not payable unless the Government servant returns to duty when required by his superior officer to do so», the words «A Government servant while on departmental leave with leave salary shall be paid leave salary at the end of each month for the first three months and thereafter it shall be paid when the Government servant returns to duty» shall be substituted;

(2) in sub-rule (7), for the words «and such leave with LEAVE salary shall be debited to the leave account as though it were leave on half pay», the words «and such leave shall not be debited to his leave account.» shall be substituted;

(3) in sub-rule (10), the following Note shall be added at the end, namely:—

Note:—This sub-rule applies to cases of Government servants who have debit balance in their leave account due to their availing of departmental leave before 1st November, 1973 when departmental leave with leave salary used to be debited to leave account».

9. For rule 56 of the said rules, the following rule shall be substituted, namely:—

«56. *Leave Salary during study leave.*—(1) During study leave availed outside India, a Government servant shall draw leave salary equal to the amount admissible during half pay leave under rule 40, in addition to study allowance admissible in accordance with the provisions of Rules 57 to 59.

(2) (a) During study leave availed in India, a Government servant shall draw leave salary equal to the pay (without allowance) that the Government servant drew while on duty immediately before proceeding on such leave.

(b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of certificate by the Government servant to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(c) The amount, if any received by a Government servant during the period of study leave as scholarship or stipend or remuneration in respect of any part time employment as envisaged in sub-rule (2) of rule 57, shall be adjusted against the leave salary payable under this sub-rule subject to the conditions that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No study allowance shall be paid during study leave for courses of study in India».

10. In rule 57 of the said rules—

(i) in sub-rule (1), for the words «granted study leave», the words «granted study leave for studies outside India» shall be substituted;

(ii) sub-rule (4) shall be omitted.

11. In the table in sub-rule (1) of rule 58 of the said rules, the entry 'India' and the entries relating thereto, shall be omitted.

12. In clause (a) of sub-rule (3) of rule 59 of the said rules the words «India or in» shall be omitted.

13. In the Second Schedule to the said rules, in Form 2—

(i) in the heading to columns 18 to 20, the brackets, words and figures «(limited to 240 days in entire service)» shall be omitted.

(ii) after columns, the following heading and columns shall be inserted, namely:—

«Commuted leave without medical certificate for studies certified to be in public interest (limited to 180 days half pay leave converted into 90 days commuted leave, in entire service) from ... to ... No. of days

20A ... 20B ... 20C»;

(iii) in the heading of column 21, for the brackets, words and figures «(twice of column 21)», the brackets, words and figures «(Twice of column 20 and column 20C)» shall be substituted.

Sd/-

B. B. LAL

Under Secretary to Govt. of India.

[No. 16(5)-E.IV(A)-74]

New Delhi, the 26th May, 1975

Notification

Subject:—C. C. S. (Leave) (Second Amendment) Rules, 1975

In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to the per-

sons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Civil Services (Leave) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Services (Leave) (Second Amendment) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Leave) Rules, 1972, after the second proviso to clause (ii) of sub-rule (3) of rule 50, the following proviso shall be inserted, namely:—

«Provided also that a specialist or a technical person may be granted study leave, on merits of each case, for prosecuting a post graduate course of study directly related to the sphere of his duty in case the Head of the Department or the Secretary to the Department or Ministry concerned certifies that the course of study shall enable the specialist or the technical person, as the case may be, to keep abreast with modern development in the field of his duty improve his technical standards and competence and thus substantially benefit the Department or Ministry.

Sd/-

C. N. SUDARSHANAN

Under Secy. to the Government of India.

[No. 16(8)-E.IV(A)/74]

Revenue Department

Notification

RD/TNC/RLS/158/72-75

In exercise of the powers conferred by section 41 read with section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964) and after complying with the requirements of pre-publication, the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short Title and Commencement.**— (1) These rules may be called the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975.

(2) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires:—

a) "Act" means the Goa, Daman and Diu Agricultural Tenancy Act, 1964;

b) "Form" means a form appended to these Rules;

c) "Section" means a section of the Act;

d) "Association" means a group of tenants who jointly derive benefit from a common major bund or bunds in a locality and is recognised as such under these rules, by the Mamlatdar of the Taluka having jurisdiction;

e) "Managing Committee" means Committee of members who are elected as Office bearers by the general body of the Association;

f) Words and expressions used, but not defined in these rules shall have the same meanings assigned to them in the Act.

3. **Constitution and Recognition of Tenants Association.**— (1) (a) Not less than twenty five tenants who jointly derive benefit from a common major bund or bunds shall be required to constitute an association. The membership of such Association shall be compulsory for all such tenants irrespective of the fact whether bund is owned by the Commnidade or by a private individual. All the members of the association will collectively be referred to as the General Body. The object of the Association shall be to discharge the joint responsibility of tenants in accordance with the provisions of section 42-A of the Act:

Provided that if any tenant objects to inclusion of his name as a member of any Association, the matter shall be referred to the Mamlatdar having jurisdiction and his decision shall be final and binding on the tenant.

(b) Notwithstanding anything contained in clause (a), the Mamlatdar may, for reasons to be recorded in writing, permit more than one Association even in cases where all the members are tenants benefitted by a common major bund and may also, for reasons to be recorded in writing, permit constitution of one association even if the members are those benefitted by different bunds if they all come within his jurisdiction.

(2) Every association of tenants shall be registered and recognised by the Mamlatdar concerned on an application filed on behalf of the majority of the tenants of the area in Form I appended to these rules. The certificates of recognition shall be in Form II appended to these rules. For recognizing an Association, the total number of members should be at least twenty five.

(3) The initial list of members of the Association shall be prepared by the Mamlatdar in Form III and the same will be open for inspection by members for 15 days from the date of its display on the notice board at places where notices are displayed for meeting of the Association. After deciding the objections, if any, the list shall be finally displayed. The list shall be kept up-to-date by the managing committee through its Secretary.

4. **Functions of the General Body.**— (1) It shall be the duty of the General Body of the Association:—

(i) to elect the Managing Committee and the Office bearers, namely, the Chairman, the Vice-Chairman, the Honorary Secretary and the Honorary Treasurer and the Attorney;

(ii) to approve the annual statement of Accounts to be prepared by the Managing Committee;

(iii) to consider and decide the matters regarding the conservancy, maintenance and repairs of any bund, embankment, ridge, sluice-gate or any other matter which may be specially referred to by the Managing Committee for consideration or which the majority of the members of the General Body want to raise.

(2) The General Body shall meet once in a year, in the first fortnight of the month of December, to decide on general matters. For the purpose of election of the Office bearers of the Managing Committee, a special meeting shall be convened by the Mamlatdar with a notice at least of 10 days in advance and the same will be presided over by the Mamlatdar or his representative. The notice in Form IV appended to these rules for any meeting of the General Body shall be displayed in Village Panchayat Offices, Comunidade Offices, Block Development Office and Mamlatdar's office and also a wide publicity of the same shall be given by beat of drum in the village. The voting at such meeting shall be by show of hands and the results shall be declared by the Mamlatdar or his representative, as the case may be, immediately after the voting is over for any post of office bearer.

(3) Special meeting of the General Body can be convened by the Chairman of the Managing Committee on a written request made by more than 50% of the members of the association for discussing matters of general interest. A copy of such request shall be endorsed to the Mamlatdar. If the Chairman fails to call the meeting, the Mamlatdar will have the power to call the same if he is satisfied that calling the General Body meeting is in the interest of the association. All the ordinary and special meetings shall be presided over by the Chairman or in his absence by the vice-chairman except the special meeting called by the Mamlatdar. The meeting called by the Mamlatdar shall be presided over either by the Mamlatdar or by any person duly authorised by him.

(4) (a) All the decisions of the general body shall be taken by the majority of the members present.

(b) The quorum for all meetings of the General Body shall be ten and for that convened for electing the Managing Committee shall be half of the members of the Association. If there be no quorum at any meeting, the meeting shall be adjourned to another date not earlier than seven days of the original date fixed for meeting and the business shall be transacted in such adjourned meeting even if there be no quorum in such meeting.

(c) A member may authorise in writing, any other person who may be a member or not, to represent him in any of the meetings of the Association and such authorised person shall have a right to participate in the deliberations of the meeting and also to cast his vote.

5. Duties of Members. — The Members of Association shall perform such duties as may be assigned to them by the Managing Committee for the purpose of watch and ward of the bunds.

6. Constitution and functions of the Managing Committee. — (1) The Managing Committee of the association shall be composed of the following office bearers, namely, a Chairman, a Vice-Chairman, an Honorary Treasurer, an Attorney and an Honorary Secretary. The Office bearers shall be elected by the General Body according to the procedure prescribed under rule 4. The term of the Managing Committee shall be 3 years from the date of election. However, the office bearers shall be eligible for re-elections.

(2) An Office bearer may tender his resignation in writing to the Mamlatdar and the same shall be effective from the date on which it is accepted by the Mamlatdar.

(3) An Office bearer of the Managing Committee shall be liable to be removed by a resolution to this effect if the same has been approved by the two-thirds of the members of the Association present in a special meeting convened for the said purpose. However, no such meeting for the removal of the Office bearer shall be called unless a 5 days notice is given to the office bearer concerned mentioning therein the grounds of the proposed removal. A copy of such notice shall be endorsed to Mamlatdar who shall convene a special meeting after satisfying himself about the genuineness of the purpose.

(4) The resultant vacancy in the Managing Committee on account of resignation, removal or death shall be filled in accordance with the provisions of sub-rule (1) within 45 days from the date of vacancy failing which such vacancy shall be filled in by the Mamlatdar through nomination from among the members of the association. The term of office of such new member shall be co-terminous with the term of office of the other members.

(5) The Managing Committee shall be responsible for discharge of following functions: —

(a) to maintain the list of tenants up-to-date as prescribed in Form III under Rule 3.

(b) to take all steps which are necessary to be taken for conservancy, maintenance or repairs of bunds.

(c) to get the estimates prepared for repairs, maintenance etc. from the Soil Conservation Division of the Directorate of Agriculture and take steps for execution of these works through the Soil Conservation Division.

(d) to prepare the annual statement of Accounts showing receipts and expenditure and present the same before the general body on the date fixed for the meeting.

(e) to auction the right to fishing in the vicinity of the sluice gates and to lease out the trees on the bunds.

(f) to take immediate steps for closure of breaches in the bunds and get the work executed.

(g) any other work which the Mamlatdar or the General Body may entrust to the Managing Committee in the interest of the proper up-keep and maintenance of the bunds and sluice gates.

Explanation 1: The Managing Committee shall work and function collectively and the responsibility of all members of the Managing Committee shall be joint for any acts of omission and commission as regards the duties of the office bearers.

(6) The meetings of the Managing Committee shall be presided over by the Chairman or in his absence by the Vice-Chairman. There shall be at least one meeting in a period of 2 months. The minutes of the proceedings of each meeting shall be kept and the same shall be duly signed by the presiding officer and the members present. Decision in the Managing Committee shall be by majority of votes. At least three office bearers shall form the quorum for the

meetings of the Managing Committee and if there is no sufficient quorum, the meeting shall be adjourned for a future date. The adjourned meeting may deliberate the agenda if at least two office bearers are present and the subject matter is to be discussed is of urgent nature. A copy of the minutes of the meeting of Managing Committee shall be sent to the Mamlatdar within 7 days of the date of meeting for his information and action, if any.

(7) The Chairman shall have powers to call the meeting of the Managing Committee and the General Body as and when found necessary.

(8) In the absence of the Chairman, the Vice-Chairman shall discharge all the duties of the Chairman.

(9) The Secretary of the Managing Committee shall prepare the Agenda for two meetings and record the minutes of the meeting of the general body and of the meetings of the Managing Committee and shall exercise general supervision on the records of the Association. He shall be responsible for realisation of the annual subscription and additional contribution from the member tenants. He shall also prepare and forward to the Mamlatdar a list of defaulters duly signed by him and the Chairman for further action towards recovery of dues of the association in accordance with the provisions of the Act. A copy of such list shall also be displayed on the notice board of the Village Panchayat within whose jurisdiction the Association functions and the list shall also be placed before the General Body in its next meeting.

(10) The Treasurer shall be responsible to maintain all the accounts of the Association showing receipts and expenditure and to get the accounts audited annually, by an Auditor appointed by the Managing Committee with the approval of the Mamlatdar.

(11) The Mamlatdar concerned shall have power to call from the Managing Committee any records, statements, registers, account or reports which he may think necessary.

(12) The attorney shall look after the up-to-date maintenance of the list of tenants. He shall also attend to the disputes arising out of the discharge of the functions by the Association after obtaining concurrence of the Managing Committee and under intimation to the Mamlatdar.

(13) On the election of the new Committee, the old Committee shall handover the charge of all the receipts, papers, property and cash balance within 15 days to the new Committee.

(14) In case of any complaints about non-compliance of the above formalities, the Mamlatdar may by a written order direct that the records, money or other property so detained be delivered to such successor within the time limit to be specified in such order and if the Chairman, Vice-Chairman, Treasurer, Attorney and Secretary fail to comply with the said order, the Mamlatdar shall:

a) direct that such money be recovered as an arrear of land revenue;

b) issue of search warrant for recovery of any records, stores or other property and exercise all such power as may be lawfully exercised by an

Executive Magistrate under the provisions of Chapter VII of the Cr. P. C.;

Provided that no action shall be taken under this rule unless the person concerned has been given a reasonable opportunity to show cause why such action should not be taken against him.

(15) If the Mamlatdar after due enquiry is satisfied that the Managing Committee has failed to discharge the duties or has abused the powers or has done any acts which are harmful to the agricultural land, he shall dissolve the Managing Committee and appoint an ad-hoc Committee to look after all the duties and exercise all the powers of the Managing Committee till the new Committee takes charge:

Provided that such an ad-hoc Managing Committee shall continue to function till a new Managing Committee is constituted in accordance with the provisions of sub-rule (1) or till the expiry of six months from the date of its constitution, whichever is earlier.

7. Accounts of the Committee. — (1) The funds of the association shall consist of the income derived out of the lease of fishing rights at the sluice-gate, income from trees on the bunds, and the contribution from the members of the association. The accounts of the Association shall be maintained in the cash book and shall be in Form V appended to these rules. All the pages of the cash book, before the same is opened, shall be serially numbered and authenticated by the Mamlatdar and the same shall bear his seal. The cash book shall be maintained regularly by Treasurer and it shall be countersigned by the Chairman every month. The Treasurer shall issue receipts for all the amount received on behalf of the Association. The receipt shall be in Form VI appended to these rules. All payments out of the funds of the Association exceeding Rs. 50/- shall be made through cheques. The Chairman and the Treasurer shall jointly operate an account opened in the name of the Association in the local branch of any scheduled bank or such other Bank which the Mamlatdar may approve. Before an account is opened, the Mamlatdar shall certify the names of the office bearers who are authorised to operate the Bank account. In the event of a person authorised to operate the account by the Mamlatdar ceasing to be an office bearer of the Association, the Mamlatdar shall authorise another office bearer to operate the account. The certificate so issued shall be conclusive proof for the Bank to allow the operation of the Account of the Association. The accounts maintained by the Managing Committee shall be open for inspection by the members of the Association. The objections received shall be duly preserved and put up in the General Body meeting after they have been considered by the Managing Committee.

(2) As soon as the list of the members is finalised each member shall pay Rs. 10/- as enrolment fee to the association and subsequently a regular contribution of Rs. 10/- per year will be payable by each member. The contribution shall be paid between 1st April to 30th April of each year. Any sum due from a member under this sub-rule may be, on an application made by the Chairman, recovered by the Mamlatdar as if it were an arrear of land revenue.

(3) The income accrued from the lease of fishing rights at the sluice-gate, lease of trees and from

contribution received from members, shall be spent mainly for the maintenance and repairs of the bunds. If the funds so collected fall short of the requirement, the Managing Committee may request the members to pay additional contribution in accordance with the requirements. The additional contribution shall be payable in proportion on the basis of the area of the holding cultivated by each member. All the holdings cultivated by one member shall be taken together for the purpose of calculation of the contribution. If the payments have not been made by the members either towards annual contribution or in respect of additional contribution within the specified time limit, an interest at the rate of 12% shall be charged from the defaulting members. The Treasurer shall deposit the amount recovered by him immediately in the Bank account of the Association.

8. Procedure for Lease of Fishing Rights and Trees on Bunds. — (1) The fishing rights on the sluice gates shall be leased by public auction for a period of one year at a time to the highest bidder. For the purpose of auction at least 15 days prior to the date of auction a notice in Form VII appended to these rules shall be displayed at the places where the notices for meetings ordinarily displayed. The date of auction shall be informed to the Mamlatdar also and the Mamlatdar shall either personally supervise or depute a representative to supervise the auction. The auction shall be held in the third week of December every year and the period of one year shall be commuted from 1st of January. A panchanama will be recorded on the site and signatures of all the office bearers of the Managing Committee, the Mamlatdar or his representative and the lessee shall be obtained on the Panchanama. The highest bidder shall deposit on the spot an amount equal to 25% of the auction bid with the Managing Committee which shall be treated as Security Deposit and can be forfeited to the Association in case there is any breach of conditions of the contract. The auction amount shall be paid in four instalments payable on 10th January, 10th April, 10th of July and 10th of October. An agreement in Form III appended to the rules shall be executed between the lessee and the Chairman of the Managing Committee in the presence of the Mamlatdar.

(2) The provisions relating to auction of fishing rights as contained in sub-rule (1) shall mutatis mutandis apply to leasing of trees on the bunds.

(3) If any complaint is received by the Mamlatdar or if a report is made to him to the effect that the person to whom the right to the fishing has been auctioned by the Managing Committee is abusing the powers or doing acts which are harmful to the agricultural lands, the Mamlatdar, on being satisfied after a summary enquiry, may terminate the right of fishing of such person forthwith, without prejudice to such other action which the Managing Committee may have against him.

(4) If in the opinion of the Mamlatdar any person is unauthorisedly exercising the rights of fishing, it shall be lawful for the Mamlatdar to summarily evict such person in the manner provided in sub-rule (5).

(5) The Mamlatdar shall serve a notice on such person requiring him within such time as may appear reasonable to stop the illegal fishing. If the person

concerned continues illegal fishing, he shall be liable to be physically evicted by the Mamlatdar and further liable for action under any other law.

9. Execution of works of Repairs, etc. — (1) The Managing Committee shall undertake the works of immediate repairs and maintenance. There will be no auction or agreement for the execution of works. The works shall be undertaken within 24 hours by the Managing Committee directly to the extent of Rs. 500/- under intimation to the Soil Conservation Division and the Mamlatdar concerned at the earliest but not later than 24 hours.

(2) All the works, the estimated cost of which exceeds Rs. 500/- shall be executed through the Soil Conservation Division. The Director of Agriculture will have powers to get the works executed directly to the extent of Rs. 2,500/- through the Soil Conservation Division and further to the extent of Rs. 5,000/- with the prior approval of the Development Commissioner. The Managing Committee shall report the matter immediately to the Soil Conservation Division and the Division shall take immediate steps to get the work executed. The cost of such repairs shall be shared according to the rules in force and the Managing Committee shall contribute towards the cost in advance as per decisions of the Mamlatdar on the basis of details furnished by the Soil Conservation Division.

(3) If any Managing Committee does not agree to the executions of the works, the Chairman after examining the grounds of opposition or objection, shall submit the file to the Soil Conservation Division for their decision and the decision of the Soil Conservation Division shall be final.

(4) The Mamlatdar, if he so desires, may inspect the work any time for his own satisfaction.

10. Powers of the Mamlatdar. — The Mamlatdar shall have full power to take necessary action on the matters which have not been specifically provided in these rules in connection with the discharge of joint responsibility by the tenants.

11. Financial Assistance from Government. — Any Association constituted under these Rules may, subject to availability of funds, get the contribution from the Government towards the cost of repairs to bunds on the same terms and conditions as specified in Rule 12.A of the Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Rules, 1968 as amended from time to time.

FORM I

Application for registration

[See Rule 3(2)]

To

The Mamlatdar,

Sir,

We the undersigned tenants cultivating the land protected by the bund known as ... situated at village ... Taluka ... request that we desire to form an Association for discharging the joint responsibility of tenants as per provisions of Section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 and, therefore, we request that our association may be duly registered and a certificate of

recognition may be issued. A list of tenants is enclosed herewith.

The Office of our Association shall be situated in the village of ...

Signature of the applicants

FORM II

[See Rule 3(2)]

I hereby certify that the (name of the association) has been registered at Sr. No. ... of the register in my Office and the same has been recognised by me. The registered Office of the Association shall be in the ...

Seal

Signature of the Mamlatdar

FORM III

List of the members of the Association

[See Rule 3(3)]

Name of the Association

Name of the bund/bunds

Village

Taluka

Sr. No.	Name of the Member	Names of the fields	Area in sq. mts.	Total area held by a member	Remarks
1	2	3	4	5	6

FORM IV

[See Rule 4(2)]

To

All Members of the Association.

Notice is hereby given that a meeting of the ... will be held on ... at ... A.M./P.M. in the ... for consideration of the following items on Agenda.

- 1.
- 2.
- 3.
- 4.

Seal

Signature of the Chairman/Mamlatdar

FORM V

[See Rule 7(1)]

Cash Book

For the year 19... 19

Date	Particulars (full details with reference to etc.) any receipt	Receipts			Date	Particulars (full details of claims scheme)	Expenditure			Signature of the person writing the cash book	Signature of the Chairman
		Amount	Total	Classifi-cation			Amount	Total	Classifi-cation		
1	2	3	4	5	6	7	8	9	10	11	12

Countersigned by Chairman

FORM VI

[See Rule 7(1)]

Receipt

Receipt Book No.

Receipt No. ...

The ...

Received with thanks from ...

Rupees ... ()

on account of ...

Date ...

Reference to cash entry Book

Page No.

Treasurer

Instructions covering the use of Form:—

(a) Each Receipt Book shall have a Serial number and each receipt which shall be in duplicate for use with carbon paper, shall have a serial number within the book. Both book number and receipt number shall be machine numbered on each receipt, whether original or duplicate.

(b) The Seal of the Association shall be affixed to each Receipt before it is issued. The Carbon copy shall be retained and the original issued.

FORM VII

[See Rule 8(1)]

Form of notice for auction of fishing right/right to Trees

Public Notice is hereby given that the auction for the fishing rights on the sluice gate/right to Trees on the bund ... shall take place on ... in the Office of the ... subject to the conditions mentioned below:—

Persons intending to offer bids are requested to remain present on the above date, time and place.

Conditions: (to be put by the Managing Committee).

- 1.
- 2.
- 3.
- 4.

(Signature of the Chairman)

FORM VIII

[See Rule 8(1)]

Form of lease agreements for fruit bearing trees and fishing rights on sluice gates

This agreement made on the ... day of ... one thousand nine hundred and ... between the Tenants Association ...

represented by its Chairman (hereinafter called as «lessor») of the one part and Shri ... son of ... aged ... resident of ... (give address and occupation) (hereinafter referred to as the «lessee» which expression shall where the context so admits be deemed to include his heir, executors, successors, administrators, representatives and permitted assignees).

Whereas lessor is possessed of the rights of fishing in the vicinity of the sluice gate/trees on the bund named ... situated at ... in the village of ... Taluka ..., district of

Whereas the lessee being highest bidder has agreed to accept fishing rights/rights of trees on lease basis.

And whereas the lessor has agreed to grant the said fishing rights/right of trees and the same is accepted by the lessee.

Now this indenture witnesses that in consideration of yearly rent as ... Payable annually towards the lease hereby described and in consideration of the terms and conditions mentioned hereunder, the lessor hereby conveys by way of lease the fishing rights/right to trees for a period commencing on ... and ending on ... for the purpose and subject to the terms and conditions set forth below.

1. The lessee take every precaution to prevent saline water from entering the fields and shall not do any acts prejudicial to the paddy fields.
2. The lessee shall be held responsible for any damage caused to the said sluice gate/tree which may not be due to natural cause and the loss sustained by the lessor shall be recovered from lessee as per assessment of the Mamlatdar.
3. The lessee shall permit the lessor or his agents at all reasonable time to enter the said sluice gate for the purpose of examining the state and condition of the said sluice gate and the agricultural fields thereunder.
4. The lessee shall carry out all repairs to the sluice gate and shall maintain the same in proper condition.
5. If the lessee commits breach of any of the conditions of these presents, then without prejudice to any other remedy open to the lessor, the lessor may terminate this lease and the lessee shall be liable to the penalty to be imposed by the Mamlatdar.
6. The lessor or the lessee shall be at liberty to determine the lease on giving notice of 30 days advance in writing of its intention to do so.
7. Any sum recoverable from the lessee under this present shall be recovered as arrear of land revenue.
8. Lease is subject to the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 and rules framed thereunder.
9. The ... agrees to incur the expenditure on account of stamp duty payable on these presents.
10. The annual rent reserved under clause 1 shall be paid by the lessee on or before such date as may be specified by the lessor failing which it shall bear simple interest at the rate of 8½ per cent P. A. after the due date.

SCHEDULE

In witness of the due execution of this agreement the parties have hereunder set their hands and seals the day and year first above written.

Signed, sealed and delivered by Shri ... Chairman of the ... Association.

Witnesses:

- 1)
- 2)

Signed and delivered by

- 1)

for and on behalf of the lessee.
in the presence of

- 1)
- 2)

By order and in the name of the Administrator
of Goa, Daman and Diu.

S. R. Arya, Secretary (Revenue).

Panaji, 19th July, 1975.

Finance Department (Revenue)

Notification

Fin(Rev)/2-36/AR/21/75

In exercise of the powers conferred by sub-section (2) of Section 1 of the Goa, Daman and Diu Sales Tax (Amendment) Act, 1975 (Act No. 12 of 1975), the Government of Goa, Daman and Diu hereby appoints the First day of August 1975 as the date on which the provision of clause (ii) of Section 2 of the said Act shall come into force throughout the Union Territory of Goa, Daman and Diu.

By order and in the name of the Administrator
of Goa, Daman and Diu.

K. L. Bhatia, Finance Secretary.

Panaji, 28th July, 1975.

Law and Judiciary Department

Notification

LD/924/75

The following notification received from the Institute of Chartered Accountants of India New Delhi, is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 16th July, 1975.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

New Delhi-110001, dated 11th February, 1975

Notification

(Chartered Accountants)

No. 1-CA(63)/74 — In exercise of the powers conferred by sub-section (1) of section 30 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), the Council of the Institute of Chartered Accountants of India has made the following amendments to the Chartered Accountants Regulations, 1964, the same having been previously published and approved by the Central Government as required under sub-section (3) of the said section.

In the said Regulation, the following amendments shall take effect from 1st April, 1975:—

I. In sub-regulation (3) of regulation 6, for the words "twenty-eight rupees" substitute the words "forty-five rupees".

II. In sub-regulation (4) of regulation 6, for the words "eighty-three rupees", substitute the words "one hundred and ten rupees".

III. In the proviso to sub-regulation (4) of regulation 6, for the words "fifty-five rupees", substitute the words "sixty-five rupees".

IV. In sub-regulation (5) of regulation 6, for the words "fifty rupees", substitute the words "seventy-five rupees".

V. Delete sub-regulation (6) of regulation 6.

VI. In regulation 17, delete the words "and the annual fee on behalf of the Regional Council", occurring twice in the regulation.

VII. In Schedule 'A'

(1) in Form 2 —

(a) in paragraph 3(ii), for the word and figure "Rs. 50/-" substitute the word and figure "Rs. 75/-".

(b) delete paragraph 3(iii) relating to payment of subscription for the benefit of the Regional Council.

(2) in Form 3 —

in paragraph 2(ii), for the word and figure "Rs. 55/-" substitute the word and figure "Rs. 65/-".

(3) in Form 6 —

in paragraph 1, substitute the reference to the fees payable as under: —

"Membership fee Rs. 45.00/110.00

Certificate of Practice fee Rs. 75.00"

(4) in Form 8, in the first paragraph, delete the words "and annual Regional Council fee"; and add the word "and" before the words "annual certificate fee".

(5) in Form 10 —

(a) in paragraph 3(ii), for the word and figure "Rs. 507-" substitute the word and figure "Rs. 75/-".

(b) delete paragraph 3(iii) relating to the payment of subscription for the benefit of the Regional Council.

(6) in Form 26, for the words "annual membership and/or regional council fees" occurring at 2 places, substitute the words "annual membership fee".

T. S. GREWAL
Acting Secretary

Notification

LD/1129/75

The following notification received from the Government of India, Ministry of Law, Justice and Company Affairs New Delhi, is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 16th July, 1975.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(VIDHI, NYAYA AUR KAMPANY KARYA MANTRALAYA)

(Department of Legal Affairs)

(Vidhi Karya Vibhag)

New Delhi, the 11th March, 1975

Phalgun 20, 1896 (Saka)

Notification

G.S.R. — In exercise of the powers conferred by clause (c) of section 29 of the Code of Civil Procedure, 1908 (5 of 1908), the Central Government hereby declares that the provisions of the said section shall apply to all civil Courts in the people's Republic of Bangladesh.

[No. F.12(2)/74-Judl.]

Sd./-

A. DAS GUPTA

Joint Secretary and Legal Adviser to
the Government of India.

Notification

LD/2524/75

The following notification received from the Government of India, Ministry of Labour (Shram Mantralaya) New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 19th July, 1975.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR

SHRAM MANTRALAYA

Dated New Delhi, the 20th June, '75

Notification

G. S. R. — Whereas certain draft rules further to amend the Industrial Employment (Standing Orders) Central Rules, 1946 were published as required by sub-section (1) of section 15 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), at pages 283-284 of the Gazette of India, Part II, Section 3, Sub-section (1) dated 10th February, 1973 under the notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. GSR 139 dated the 29th January, 1973 inviting objections and suggestions from all persons likely to be affected thereby for a period of forty-five days from the date of publication of the said notification in the Gazette;

And whereas the said Gazette was made available to the public on the 16th February, 1973;

And whereas the objections and suggestions, received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 15 of the said Act, the Central Government hereby makes the following rules further to amend the Industrial Employment (Standing Orders) Central Rules, 1946, namely:—

1. (1) These rules may be called the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Schedule I to the Industrial Employment (Standing Orders) Central Rules, 1946 (hereinafter referred to as the said Schedule), in paragraph 7A, the words "and in the Manager's Office" shall be omitted.

3. In the said Schedule, in paragraph 9, —

(a) in sub-paragraph 2

(i) for the word "manager", occurring for the first time, the words "employer or any other officer of the industrial establishment specified in this behalf by the employer" shall be substituted;

(ii) for the word "manager", occurring for the second time, the words "employer or the officer specified in this behalf by the employer" shall be substituted.

(b) In sub-paragraph (3), for the word "manager" the words "employer or the officer specified in this behalf by the employer" shall be substituted.

4. In the said Schedule, in sub-paragraph (2) of paragraph 12, for the words "or at the office of the manager" the words, "and at the office of the employer and at the time-keepers' office, if any" shall be substituted.

5. In the said Schedule, in paragraph 14, —

(a) in sub-paragraph (4), after clause (b), the following clauses shall be inserted, namely:—

"(ba) In the inquiry, the workman shall be entitled to appear in person or to be represented by an office-bearer of a trade union of which he is a member.

(bb) The proceedings of the inquiry shall be recorded in Hindi or in English or in the language of the State where the industrial establishment is located, whichever is preferred by the workman.

(bc) The proceedings of the inquiry shall be completed within a period of three months:

provided that the period of three months may, for reasons to be recorded in writing, be extended by such further period as may be deemed necessary by the inquiry officer."

(b) In sub-paragraph (5), for the word "manager" in both the places where they occur, the words "authority imposing the punishment" shall be substituted;

(c) after sub-paragraph (5), the following sub-paragraph shall be inserted, namely:—

6(a) A workman aggrieved by an order imposing punishment, may within twenty one days from the date of receipt of the order, appeal to the appellate authority;

(b) the employer shall, for the purposes of clause (a), specify the appellate authority;

(c) the appellate authority, after giving an opportunity to the workman of being heard, shall pass such order as he thinks proper on the appeal within fifteen days of its receipt and communicate the same to the workman in writing."

6. In the said Schedule, in paragraph 17, for the word "manager", wherever it occurs, the word "employer" shall be substituted.

7. In the said Schedule, in paragraph 18, the words "at the manager's office" shall be omitted.

Sd/-

S. S. SAHASRANAMAN

Under Secretary

(No. S-65012/5/571-LR.I/D.IA)

Notification

LD/2568/75

The following notifications received from the Government of India, Ministry of Labour (Shram Mantralaya) New Delhi, are hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 21st July, 1975.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

Dated New Delhi-110001 7th July, 1975

Notification

G.S.R. — In exercise of the powers conferred by section 5, read with sub-section (I) of section 7 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees Provident Funds Scheme, 1952 namely:—

1. This Scheme may be called the Employees' Provident Funds (Third amendment) Scheme, 1975.

2. It shall come into force on the date of its publication in the Official Gazette.

2. In the Employees' Provident Funds Scheme, 1952 in paragraph 68-M, in sub-paragraph (b), for

the letters and figures «Rs. 200/-» the letters and figures «Rs. 300/-» shall be substituted.

Sd/-

PARSAN CHANDRA

Under Secretary.

[No. R.11016(9)/73-PF.II]

Dated New Delhi, the 11th July, 1975

Notification

S.O. — Whereas the Central Government is of opinion that the minimum rates of wages should be fixed under the Minimum Wages Act, 1948 (11 of 1948) in respect of employment in Quartzite Quarts and Silica Mines;

Now, Therefore, in exercise of the powers conferred by section 27 of the said Act, the Central Government hereby gives notice of its intention to add the said employment to Part I of the Schedule to the said Act.

Any suggestions or objections which may be received from any person in respect of the said addition on or before the expiry of a period of four months from the date of publication of this notification in the Official Gazette, will be considered by the Central Government.

Sd/-

HANS RAJ CHHABRA

Deputy Secretary.

[S-32017/(2)/74-WB(MW)]

Notification

Dated New Delhi, the 8th July, 1975

G.S.R. — The following draft of certain rules further to amend the Industrial Disputes (Central) Rules, 1957, which the Central Government proposes to make in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (14 of 1947) is hereby published as required by subsection (1) of the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken up for consideration after a period of forty five days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect of the said draft on or before the period so specified, will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Industrial Disputes (Central) (Amendment) Rules, 1975.

2. In the Industrial Disputes (Central) Rules, 1957 in rule 10B, after sub-rule (6) the following sub-rule shall be inserted at the end, namely: —

«(7) The provisions of rule 14 of Order VII of the Code of Civil Procedure, 1908 (5 of 1908) shall

apply to statements filed under rule 10B by parties to an industrial dispute before a Labour Court, Tribunal or National Tribunal as if such statements were plaints under the said Code».

Sd/-

S. S. SAHASRANAMAN

Under Secretary

[No. S-65012/2/75-DK(IA)]

Notification

LD/2677/75

The following notification received from the Government of India, Ministry of Home Affairs (Grih Mantralaya) New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 24th July, 1975.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

Order

New Delhi, the 9th July, 1975

S.O. 341(E). — In pursuance of clause (b) of Rule 184, of the Defence and Internal Security of India Rules, 1971, the Central Government hereby specifies rule 33 of the said Rules for the purposes of the said clause.

By order and in the name of the President,

[No. II/14011/2/75-S&P(D-IV)]

P. P. NAYYAR, Jt. Secy.

Notification

LD/2599/75

The following notification received from the Government of India, Ministry of Home Affairs (Grih Mantralaya) New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 26th July, 1975.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

Order

New Delhi, the 4th July, 1975

S.O. 310(E). — Whereas the Central Government is satisfied with respect to the organisation known as Jamaat-e-Islami-e-Jammu and Kashmir that it is an organisation which is, and whose members

and the persons in control whereof are, indulging in activities prejudicial to the internal security, the public safety and the maintenance of public order;

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the Jamaat-e-Islami-e-Jammu and Kashmir aforesaid.

[No. II/16013/5/75-S&P(D.II).]

By Order and in the name of the President,

C. V. NARASIMHAN, Jt. Secy.

Corrigendum

In the Notification issued by the Home Department under No. HD(G)-34-3/73 dated 5-7-75 and published in the Official Gazette No. 16, Series I dated 17-7-75 the following should be read:

On the first page, section 3, sub-section (1) *Minor penalties* (b):

«Confinement» instead of «Confident».

At page 194, section 23:

«or such other authority» instead of «of such other authority».